

## REMARKS

The cleaning and wetting compositions disclosed and claimed in the present application provide improved cleaning, i.e., improved removal of contact lens deposits, as well as less eye irritation as compared to the commercialized compositions of U.S. Patent Number 5,604,189. Also, the preferred embodiments of the subject compositions are effective at disinfecting a contact lens while employing a lower amount of antimicrobial agent, thus, further alleviating the potential for eye irritation.

Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al, WO 00/37049.

Applicant respectfully traverses the rejection of claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Hu et al, WO 00/37049 (hereinafter "HU"). HU teaches an ophthalmic solution for the treatment of contact lenses while worn in the eye **to prevent lipid or protein deposition** thereon. In particular, the compositions contain an ethoxylated glucose derivative wetting agent, tyloxapol cleaning agent and a polyoxyethylene-polyoxypropylene nonionic surfactant comfort agent.

In Section 11, Response to Argument, "the Examiner maintains that the compositions as taught and suggested by Hu et al. and Heiler et al. would have the same cleaning and wetting properties as the compositions recited by the

instant claims because both Hu et al. and Heiler et al. teach compositions containing the same components in the same proportions as recited by the instant claims." Applicant respectfully asserts that HU **does not teach** compositions containing the same components in the same proportions as recited by the instant claims. As is set forth in Table 1 below, HU **requires to achieve the stated desired result**, i.e., prevention of lipid or protein deposition, ethoxylated glucose derivative, tyloxapol and a non-ionic surfactant. To the contrary, the present invention as claimed **requires to achieve the stated desired result**, i.e., removal of lens deposits, a non-amine polyethenoxy-containing material, a first non-ionic surface active agent, a second non-ionic surface active agent and a wetting agent.

TABLE 1

	HU	Present Invention
<b>RESULT TO BE ACHIEVED</b>	Prevention of lipid/protein deposits	Removal of lens deposits and lens wetting
<b>REQUIRED</b>	Ethoxylated glucose derivative (Wetting agent) 0.01 to 5.0 wt. %	Wetting agent (Wetting agent) 0.1 to 10 wt. %
	Tyloxapol (Cleaning agent) 0.01 to 1.0 wt. %	First non-ionic (HLB $\geq$ 18) surface active agent (Cleaning agent) 0.001 to 2.0 wt. %
		Second non-ionic (HLB<18) surface active agent (Cleaning agent) 0.001 to 2.0 wt. %
	Non-ionic surfactant (Comfort agent) 0.01 to 10.0 wt. %	Non-amine polyethenoxy- containing material (Comfort agent) 0.001 to 5.0 wt. %
<b>Optional Additives</b>	Antimicrobial agent Tonicity agent Buffers Surfactants Viscosity Builders Stabilizers Isotonic agents Sequestering agents Demulcents	Antimicrobial agent Tonicity agents Buffers Surfactants Viscosity Builders Stabilizers Isotonic agents Sequestering agents Cleaners

Accordingly, the present invention differs significantly from the teachings of HU. For these reasons, a *prima facie* case of obviousness has not been established based on HU. The rejection of claims 1-12 under 35 U.S.C. 103(a) is thereby inappropriate. Withdrawal of the rejection claims 1-12 under 35 U.S.C. 103(a) over HU is respectfully requested.

Claims 1-4 and 6-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heiler et al., WO 97/43373.

Applicant respectfully traverses the rejection of claims 1-4 and 6-11 under 35 U.S.C. 103(a) as being unpatentable over Heiler et al., WO 97/43373 (hereinafter "HEILER"). HEILER teaches compositions and methods used as in-the-eye and/or out-of-the-eye **inhibitors of proteinaceous deposits on hydrophilic contact lenses**. In particular, the compositions contain moderately charged polyquaternium polymers that selectively bind to hydrophilic contact lenses to block the binding of proteinaceous materials.

In Section 11, Response to Argument, "the Examiner maintains that the compositions as taught and suggested by Hu et al. and Heiler et al. would have the same cleaning and wetting properties as the compositions recited by the instant claims because both Hu et al. and Heiler et al. teach compositions containing the same components in the same proportions as recited by the instant claims." Applicant respectfully asserts that HEILER **does not teach**

compositions containing the same components in the same proportions as recited by the instant claims. As is set forth in Table 2 below, HEILER **requires to achieve the stated desired result**, i.e., inhibition of protein deposition, moderately charged polyquaternium polymers. To the contrary, the present invention as claimed **requires to achieve the stated desired result**, i.e., removal of lens deposits, a non-amine polyethenoxy-containing material, a first non-ionic surface active agent, a second non-ionic surface active agent and a wetting agent.

TABLE 2

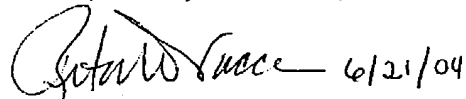
RESULT TO BE ACHIEVED	HEILER	Present Invention
REQUIRED	Inhibition of protein deposits	Removal of lens deposits and lens wetting
	Polyquaternium polymers (Lens binding agent) 0.01 to 5.0 wt. %	First non-ionic (HLB $\geq$ 18) surface active agent (Cleaning agent) 0.001 to 2.0 wt. %
		Second non-ionic (HLB<18) surface active agent (Cleaning agent) 0.001 to 2.0 wt. %
		Non-amine polyethenoxy- containing material (Comfort agent) 0.001 to 5.0 wt. %
		Wetting agent (Wetting agent) 0.1 to 10 wt. %
Optional Additives	Antimicrobial agent Tonicity agent Buffers Surfactants Viscosity Builders Stabilizers Isotonic agents Sequestering agents Cleaners	Antimicrobial agent Tonicity agents Buffers Surfactants Viscosity Builders Stabilizers Isotonic agents Sequestering agents Cleaners

Accordingly, the present invention differs significantly from the teachings of HEILER. For these reasons, a *prima facie* case of obviousness has not been established based on HEILER. The rejection of claims 1-4 and 6-11 under 35 U.S.C. 103(a) is thereby inappropriate. Withdrawal of the rejection claims 1-4 and 6-11 under 35 U.S.C. 103(a) over HEILER is respectfully requested.

Pending claims 1-12 are believed to be patentable as written. Allowance of pending claims 1-12 is thereby respectfully requested.

Should there be any questions regarding this communication, please feel free to contact the undersigned at (636) 226-3340.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rita D. Vacca", followed by the date "6/21/04".

Rita D. Vacca  
Reg. No.: 33,624

Bausch & Lomb, Inc.  
One Bausch & Lomb Place  
Rochester, New York 14604-2701